

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Oct 26, 2021

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

CARISSA B.,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

NO: 2:21-CV-116-RMP

ORDER GRANTING PARTIES'
STIPULATED MOTION FOR
REMAND

BEFORE THE COURT is the parties' Stipulated Motion for Remand pursuant to sentence four of 42 U.S.C. §405(g). ECF No. 10. Plaintiff Carissa B.¹ is represented by Attorney Victoria B. Chhagan. Defendant Commissioner of Social Security is represented by Special Assistant United States Attorney Katherine B. Watson.

¹ The Court uses Plaintiff's first name and last initial to protect her privacy.

1 After consideration, **IT IS HEREBY ORDERED** that the parties' Stipulated
2 Motion for Remand, **ECF No. 10**, is **GRANTED**. Pursuant to the parties'
3 stipulation, the Commissioner's final decision is reversed and remanded for further
4 proceedings pursuant to sentence four of 42 U.S.C. §405(g). Upon remand to the
5 Commissioner of Social Security, the Appeals Council should instruct the
6 Administrative Law Judge to:

- 7 • Reevaluate the opinion evidence of record;
- 8 • As warranted, reevaluate the claimant's maximum residual functional
9 capacity;
- 10 • Obtain supplemental vocational expert evidence to clarify the effect of
11 the assessed limitations on the claimant's ability to perform other work in the
12 national economy, resolving any apparent conflicts between that testimony
13 and the Dictionary of Occupational Titles; and
- 14 • Offer the claimant an opportunity for a new hearing, take any further
15 action to complete the administrative record, and issue a new decision.

16 *See* ECF No. 10 at 2.

17 Upon proper presentation, this Court will consider Plaintiff's application for
18 costs and attorney's fees under 28 U.S.C. § 2412(d).

19 **IT IS FURTHER ORDERED** that Plaintiff's Motion for Summary
20 Judgment, **ECF No. 9**, is **DENIED AS MOOT**, and the District Court Clerk shall
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1 **AMEND THE CAPTION** in CM/ECF to reflect that Acting Commissioner Kilolo
2 Kijakazi is substituted for Andrew Saul as the proper Defendant in this matter. *See*
3 Fed. R. Civ. P. 25(d).

4 **IT IS SO ORDERED.** The District Court Clerk is directed to enter this
5 Order and provide copies to counsel, amend the caption as directed, enter judgment
6 in favor of Plaintiff, and **close the file**.

7 **DATED** October 26, 2021.

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9 *s/ Rosanna Malouf Peterson*
10 ROSANNA MALOUF PETERSON
11 United States District Judge
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